THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.M.P.No.17568 of 2006

in

W.P.No.9226 of 2004

ORDER:

This application is filed with a prayer to post W.P.No.9226 of 2004, dated 08-02-2005, for "For Being Mentioned.".

The petitioner states that this court disposed of batch of writ petitions, including W.P.No.9226 of 2004, through common order, dated 08-02-2005, holding that the seeds developed and manufactured by the petitioners therein and sold as certified or labelled seeds, are not subject to levy of market fee; vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and that such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not used and sold as seed, shall be liable to be levied the market fee. It is alleged that the 2nd respondent demanded a sum of Rs.8,10,400/- towards market fee on the seeds, through demand notice, dated 22-05-2004. In the writ petition, the interim stay was granted subject to the condition that the petitioner deposits half of the amount. The petitioner is said to have deposited a sum of Rs.4,05,200/-, as directed by this court.

The grievance of the petitioner is that even after the writ petition is allowed, the 2nd respondent has not refunded the deposited amount of Rs.4,05,200/-.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

It is not in dispute that this court allowed batch of writ petitions, including W.P.No.9226 of 2004, holding that the respondent is entitled to levy the market fee for the seed.

The very demand notice, dated 22-05-2004, discloses that the

market fee was levied on the seeds manufactured and marketed by the petitioner. When the writ petition is allowed, the 2nd respondent is under obligation to refund the amount deposited by the petitioner, in compliance with the directions issued by this court.

For the foregoing reasons, the W.P.M.P. is allowed directing the 2nd respondent to refund a sum of Rs.4,05,200/- (Rupees four lakhs five thousand two hundred only) to the petitioner, within a period of four (4) weeks from today.

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07-08-2006

Prv